



U.S. Embassy

BERN, SWITZERLAND

<https://ch.usembassy.gov>

Customer: KONE V ISLAMIC REP. OF IRAN

Date: 3/11/2024 10:22:45 AM

Register: ACS Cash

Transaction: 15054380

Tender: U.S. Dollars

Exchange Rate: 1.00USD = 0.900LC

+

Qty	Svc	Ctry	Visa	Price
1	51			\$2,275.00
LETTERS				CHF 2'047.50
ROGATORY/FSIA FEE				

Balance	\$2,275.00
Amount Paid	\$2,275.00
Change	\$0.00

CUSTOMER COPY

ALL TRANSACTIONS ARE
FINAL - NO REFUNDS

Sensitive But Unclassified (SBU)

65754





United States Department of State

Washington, D.C. 20520

June 12, 2024

Ruby J. Krajick
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007

Re: Celestine Kone, et al. v. The Islamic Republic of Iran, et al., 1:23-cv-05790-GBD

Dear Ms. Krajick:

I am writing regarding the Court's request for transmittal of a Summons, Complaint (Dkt. 1), Amended Complaint (Dkt. 10), Notice to Conform to Sudan Consolidated Amended Complaint or Ashton Sudan Amended Complaint (Dkt. 9, July 11, 2023), Notice to Conform to Sudan Consolidated Amended Complaint or Ashton Sudan Amended Complaint (Dkt. 12, August 7, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt. 15, August 10, 2023), Civil Cover Sheet, Related Case Statement, and Notice of Suit to the Government of the Islamic Republic of Iran pursuant to 28 U.S.C. Section 1608(a)(4) as a defendant in the above referenced lawsuit.

Because the United States does not maintain diplomatic relations with the Government of Iran, the Department of State is assisted by the Foreign Interests Section of the Embassy of Switzerland in Tehran in delivering these documents to the Iranian Ministry of Foreign Affairs. The documents were delivered to the Iranian Ministry of Foreign Affairs under cover of diplomatic note No. 1037-IE, dated April 4, 2024, and delivered on May 7, 2024. A certified copy of the diplomatic note is enclosed.*

Sincerely,

A handwritten signature in black ink, appearing to read "Jared N. Hess".

Jared N. Hess
Attorney Adviser
Office of the Legal Adviser
L/CA/POG/GC

* Please note that performance by the Department of State of its statutory functions under 28 U.S.C. § 1608 should not be construed as an indication in any way of the United States' position or views on whether plaintiffs have properly complied with all statutory requirements of the FSIA, the status or character of a defendant, whether service was properly effected, or the merits of any claims or defenses. See <https://travel.state.gov/content/travel/en/legal/travel-legal-considerations/internl-judicial-asst/Service-of-Process/Foreign-Sovereign-Immunities-Act.html>.

Cc: Jerry Goldman
Anderson Kill P.C.
1251 Avenue of the Americas
New York, NY 10020

SPECIFIC AUTHENTICATION CERTIFICATE

Confederation of Switzerland)
Bern, Canton of Bern) SS:
Embassy of the United States of America)

Scott M. Driskel, a consular officer at the Embassy of the United States at Bern, Switzerland, certify that this is a true copy of Embassy note number 28240 dated March 1, 2024, which was transmitted to the Swiss Ministry of Foreign Affairs on March 13, 2024, for further transmission to the American Interests Section of the Swiss Embassy in Tehran, Iran.


(Signature of Consular Officer)

Scott M. DRISKEL
(Typed name of Consular Officer)

Consul of the United States of America
(Title of Consular Officer)

June 4, 2024
(Date)



Embassy of the United States of America

March 11, 2024

CONS NO. **28240**

Federal Department of Foreign Affairs
Foreign Interests Section
Kochergasse 10
Federal Palace North
Office #4.001
3003 Bern

Subject: JUDICIAL ASSISTANCE: Service of process under the Foreign Sovereign Immunities Act (FSIA) – Celestine Kone, et al. v. The Islamic Republic of Iran, et al., 1:23-cv-05790-GBD

REF: ---

The Department of State has requested the delivery of the enclosed Summons, Complaint (Dkt. 1), Amended Complaint (Dkt. 10), Notice to Conform to Sudan Consolidated Amended Complaint or Ashton Sudan Amended Complaint (Dkt. 9, July 11, 2023), Notice to Conform to Sudan Consolidated Amended Complaint or Ashton Sudan Amended Complaint (Dkt. 12, August 7, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt. 15, August 10, 2023), Civil Cover Sheet, Related Case Statement, and Notice of Suit to the Ministry of Foreign Affairs of the Islamic Republic of Iran pursuant to the Foreign Sovereign Immunities Act in the matter Celestine Kone, et al. v. The Islamic Republic of Iran, et al., 1:23-cv-05790-GBD.

The Embassy is herewith requesting the Swiss Ministry of Foreign Affairs to transmit the documents to the American Interests Section of the Swiss Embassy in Tehran. There is one defendant to be served in this case: the Islamic Republic of Iran. The American Interests Section should transmit the Summons, Complaint (Dkt. 1), Amended Complaint (Dkt. 10), Notice to Conform to Sudan Consolidated Amended Complaint or Ashton Sudan Amended Complaint (Dkt. 9, July 11, 2023), Notice to Conform to Sudan Consolidated Amended Complaint or Ashton Sudan Amended Complaint (Dkt. 12, August 7, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt. 15, August 10, 2023), Civil Cover Sheet, Related Case Statement, and Notice of Suit to the Iranian Ministry of Foreign Affairs under cover of one diplomatic note utilizing the language provided in the enclosed instructions.

Transmittal should be done in a manner which enables the Embassy to confirm delivery. The American Interests Section should execute certifications of the diplomatic notes, which will be forwarded by the Department of State to the requesting court in the United States.

Enclosed is one appropriate part of a message the Embassy received from the Department

of State as well two sets of documents for each defendant.

The Embassy would appreciate being informed of the date the American Interests Section of the Swiss Embassy in Tehran receives the documents as well as the date the Interests Section forwards the documents to the Iranian authorities.

SPP's assistance is much appreciated.



BEGIN TEXT OF DIPLOMATIC NOTE REGARDING DEFENDANT ISLAMIC REPUBLIC OF IRAN:

The Embassy of Switzerland, Foreign Interests Section in Tehran refers the Ministry of Foreign Affairs of the Islamic Republic of Iran to the lawsuit *Celestine Kone, et al. v. The Islamic Republic of Iran, et al.*, 1:23-cv-05790-GBD, which is pending in the U.S. District Court for the Southern District of New York. The Islamic Republic of Iran is a defendant in this case. The Foreign Interests Section transmits a Summons, Complaint (Dkt. 1), Amended Complaint (Dkt. 10), Notice to Conform to Sudan Consolidated Amended Complaint or *Ashton* Sudan Amended Complaint (Dkt. 9, July 11, 2023), Notice to Conform to Sudan Consolidated Amended Complaint or *Ashton* Sudan Amended Complaint (Dkt. 12, August 7, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt. 15, August 10, 2023), Civil Cover Sheet, and Related Case Statement, herewith. The U.S. District Court for the Southern District of New York has requested service of these documents. This note constitutes transmittal of these documents to the Government of the Islamic Republic of Iran as contemplated in Title 28, United States Code, Section 1608(a)(4).

Under applicable U.S. law, a defendant in a lawsuit must file an answer to the Complaint or some other responsive pleading within 60 days of the date of transmittal of the Complaint, in this case the date of this note. Failing to do so, a defendant risks the possibility of having judgment entered against it without the opportunity to present arguments or evidence on its behalf. Therefore, the Foreign Interests Section requests that the enclosed Summons and Second Amended Complaint be forwarded to the appropriate authority of the Islamic Republic of Iran with a view towards taking whatever steps are necessary to avoid a default judgment.

In addition to the Summons, Complaint (Dkt. 1), Amended Complaint (Dkt. 10), Notice to Conform to Sudan Consolidated Amended Complaint or *Ashton* Sudan Amended Complaint (Dkt. 9, July 11, 2023), Notice to Conform to Sudan Consolidated Amended Complaint or *Ashton* Sudan Amended Complaint (Dkt. 12, August 7, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt. 15, August 10, 2023), Civil Cover Sheet, and Related Case Statement, the Foreign Interests Section is enclosing a Notice of Suit, prepared by the plaintiff, which summarizes the nature of the case and includes references to U.S. laws concerning suits against foreign States.

The Foreign Interests Section has been advised that under U.S. law any jurisdictional or other defense including claims of sovereign immunity must be addressed to the court before which the matter is pending, for which reason it is advisable to consult an attorney in the United States. It is the practice of the U.S. Department of State to be available to discuss the requirements of U.S. law with counsel. The U.S. Government is not a party to this case and cannot represent other parties in this matter.

Attachments:

1. Summons, Complaint (Dkt. 1), Amended Complaint (Dkt. 10), Notice to Conform to Sudan Consolidated Amended Complaint or *Ashton* Sudan Amended Complaint (Dkt. 9, July 11, 2023), Notice to Conform to Sudan Consolidated Amended Complaint or *Ashton* Sudan Amended Complaint (Dkt. 12, August 7, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt. 15, August 10, 2023), Civil Cover Sheet, Related Case Statement, and Notice of Suit
2. Translations

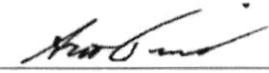
END TEXT OF DIPLOMATIC NOTE REGARDING DEFENDANT ISLAMIC REPUBLIC OF IRAN

SPECIFIC AUTHENTICATION CERTIFICATE

federation of Switzerland)
n, Canton of Bern) SS:
assy of the United States of America)

Certify that the annexed document bears the genuine seal of the Swiss Federal
Department of Foreign Affairs.

Certify under penalty of perjury under the laws of the United States that the foregoing
is true and correct.


(Signature of Consular Officer)

Scott M. DRISKEL
(Typed name of Consular Officer)

Consul of the United States of America
(Title of Consular Officer)

June 4, 2024
(Date)



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Federal Department of Foreign Affairs FDFA

K. 348-01-02-01-USA/IRAN

The Federal Department of Foreign Affairs presents its compliments to the Embassy of the United States of America and refers to Cons Note No. 28240 dated March 11, 2024 regarding judicial assistance and has the honor to convey following documents of the U.S. Interests Section of the Embassy of Switzerland in Tehran:

Judicial Assistance:

Celestine Kone, et al. v. The Islamic Republic of Iran, et al., 1:23-cv-05790-GBD

- Note 1037-IE addressed to the Islamic Republic of Iran

dated April 04, 2024 and proof of service, dated May 07 11, 2024 as well as the certification by the Swiss Federal Chancellery dated May 21, 2024.

The section has received the above mentioned documents on March 24, 2024. It has transmitted these to the Iranian Ministry of Foreign Affairs together with its diplomatic note on May 07, 2024. The reception of the mentioned documents was refused the same day by the Iranian Ministry of Foreign Affairs.

The Federal Department of Foreign Affairs avails itself of this opportunity to renew to the Embassy of United States of America the assurances of its highest consideration.

Berne, May 23, 2024

Enclosure(s) mentioned



To the
Embassy of the
United States of America

Berne

SPECIFIC AUTHENTICATION CERTIFICATE

Confederation of Switzerland)
Bern, Canton of Bern) SS:
Embassy of the United States of America)

I certify that the annexed document is executed by the genuine signature and seal of the
following named official who, in an official capacity, is empowered by the laws of
Switzerland to execute that document.

I certify under penalty of perjury under the laws of the United States that the foregoing
is true and correct.

Alessandra MANOIERO
(Typed name of Official who executed the annexed document)


(Signature of Consular Officer)

Scott M. DRISKEL
(Typed name of Consular Officer)

Consul of the United States of America
(Title of Consular Officer)

June 4, 2024
(Date)



Schweizerische Eidgenossenschaft
 Confédération suisse
 Confederazione Svizzera
 Confederaziun svizra

Embassy of Switzerland in Iran
 Foreign Interests Section

No. 1037-IE

The Embassy of Switzerland, Foreign Interests Section in Tehran, presents its compliments to the Ministry of Foreign Affairs of the Islamic Republic of Iran, and has the honor to refer the Ministry to the lawsuit **Celestine Kone, et al. v. The Islamic Republic of Iran, et al.**, 1:23-cv-05790-GBD, which is pending in the U.S. District Court for the Southern District of New York. The Islamic Republic of Iran is a defendant in this case. The Embassy transmits a Summons, Complaint (Dkt. 1), Amended Complaint (Dkt. 10), Notice to Conform to Sudan Consolidated Amended Complaint or Ashton Sudan Amended Complaint (Dkt. 9, July 11, 2023), Notice to Conform to Sudan Consolidated Amended Complaint or Ashton Sudan Amended Complaint (Dkt. 12, August 7, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt. 15, August 10, 2023), Civil Cover Sheet, and Related Case Statement herewith. The U.S. District Court for the Southern District of New York has requested service of these documents. This note constitutes transmittal of these documents to the Government of the Islamic Republic of Iran as contemplated in Title 28, United States Code, Section 1608(a)(4).

Under applicable U.S. law a defendant in a lawsuit must file an answer to the Complaint or some other responsive pleading within 60 days of the date of transmittal of the Complaint, in this case the date of this note. Failing to do so, a defendant risks the possibility of having judgment entered against it without the opportunity to present arguments or evidence on its behalf. Therefore, the Embassy requests that the enclosed Summons and Second Amended Complaint be forwarded to the appropriate authority of the Islamic Republic of Iran with a view towards taking whatever steps are necessary to avoid a default judgment.

In addition to the Summons, Complaint (Dkt. 1), Amended Complaint (Dkt. 10), Notice to Conform to Sudan Consolidated Amended Complaint or Ashton Sudan Amended Complaint (Dkt. 9, July 11, 2023), Notice to Conform to Sudan Consolidated Amended Complaint or Ashton Sudan Amended Complaint (Dkt. 12, August 7, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt. 15, August 10, 2023), Civil Cover Sheet, and Related Case Statement, the Embassy is enclosing a Notice of Suit, prepared by the plaintiff, which summarizes the nature of the case and includes references to U.S. laws concerning suits against foreign States.

The Embassy has been advised that under U.S. law any jurisdictional or other defense including claims of sovereign immunity must be addressed to the court before which the matter is pending, for which reason it is advisable to consult an attorney in the United States. It is the practice of the U.S. Department of State to be available to discuss the requirements of U.S. law with counsel. The U.S. Government is not a party to this case and cannot represent other parties in this matter.

The Embassy of Switzerland, Foreign Interests Section, avails itself of this opportunity to renew to the Ministry of Foreign Affairs of the Islamic Republic of Iran the assurances of its highest consideration.

Tehran - April 04, 2024



Attachments:

1. Summons, Complaint (Dkt. 1), Amended Complaint (Dkt. 10), Notice to Conform to Sudan Consolidated Amended Complaint or Ashton Sudan Amended Complaint (Dkt. 9, July 11, 2023), Notice to Conform to Sudan Consolidated Amended Complaint or Ashton Sudan Amended Complaint (Dkt. 12, August 7, 2023), Notice to Conform to Consolidated Amended Complaint (Dkt. 15, August 10, 2023), Civil Cover Sheet, Related Case Statement, and Notice of Suit
2. Translations

**Ministry of Foreign Affairs
 Islamic Republic of Iran
 Department of American Affairs
 Tehran**

I, Christian Gobet, Head of the Foreign Interests Section of the Embassy of Switzerland in Iran, certify herewith that this is a true copy of Diplomatic Note No. 1037-IE, dated April 04, 2024. The delivery of this note and its enclosures was attempted on May 07, 2024, but the Iranian Ministry of Foreign Affairs refused its acceptance.

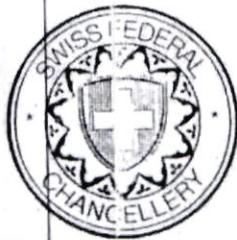

Christian Gobet
Head of the Foreign Interests Section

Tehran – May 07, 2024



APOSTILLE
(Convention de la Haye du 5 octobre 1961)

1. Country: SWISS CONFEDERATION
This public document
2. has been signed by Christian Gobet
3. acting in the capacity of Head of the Foreign Interests Section
4. bears the seal/stamp of
Embassy of Switzerland US Interests Section Tehran
Certified
5. at Berne
6. the 22.05.2024
7. by Alessandra Manoiero
functionary of the Swiss federal Chancellery
8. No 011749
9. Seal/stamp:
Swiss federal Chancellery
10. Signature: 



ترجمه غیر رسمی
سفارت سوئیس
قسمت حافظ منافع خارجی

شماره IE-1037

سفارت سوئیس، قسمت حافظ منافع خارجی در تهران، ضمن اظهار تعارفات خود به وزارت امور خارجه جمهوری اسلامی ایران، احتراماً توجه آن وزارت‌خانه معتبرم را به دعوای حقوقی تحت عنوان ملسوتن کونه و دیگران بر علیه جمهوری اسلامی ایران، تحت پرونده مدنی شماره GBD-05790-cv-1:23 که در دادگاه ناحیه ای ایالات متحده آمریکا ویژه ناحیه چوب نیو یورک مفتوح میباشد، جلب می‌نماید. جمهوری اسلامی ایران طرف خوانده در این پرونده می‌باشد. سفارت سوئیس بنا به درخواست دادگاه ناحیه ای ایالات متحده آمریکا ویژه ناحیه چوب نیو یورک، یک فقره احضاریه، شکایت (سند شماره ۱)، شکایت اصلاح شده (سند شماره ۱۰)، اطلاعیه برای انتطبق با شکایت اصلاح شده تلقیقی سودان یا شکایت اصلاح شده/اشتبون سوдан (سند شماره ۹، ۱۱ ژوئن ۲۰۲۳)، اطلاعیه برای انتطبق با شکایت اصلاح شده تلقیقی سودان یا شکایت اصلاح شده/اشتبون سوдан (سند شماره ۱۲، ۷ اوت ۲۰۲۳)، اطلاعیه برای انتطبق با شکایت اصلاح شده تلقیقی (سند شماره ۱۵، ۱۰ اوت ۲۰۲۳)، برگه جلد دادخواست ایالات مدنی و اظهارات پرونده های مرتبط را ایفاد می دارد. برایر مقررات فصل ۲۸ بخش ۱۶۰۸ بند (الف) (۴) مجموعه قوانین ایالات متحده، این یادداشت به منزله ابلاغ مدارک مذکور به دولت جمهوری اسلامی ایران تلقی می گردد.

طبق قوانین قابل اجرا ایالات متحده، خوانده یک پرونده می‌پایست ظرف ۴۰ روز از تاریخ ابلاغ شکایت، در این مورد تاریخ یادداشت، پاسخی به شکایت یا دیگر پاسخی دقاعی در پرونده بگذارد. در غیر اینصورت، ممکن است حکمی بر ضد خوانده صادر گردد بدون آنکه خوانده فرصت ارائه شواهد و دقایقی از طرف خود را داشته باشد. لذا، سفارت در خواست می‌نماید که احضاریه و شکایت اصلاح شده دوم، با این دید که اقدامات لازم جهت جلوگیری از حکم قصور انجام شود، برای مقامات مربوطه ایرانی ارسال گردد.

سفارت علاوه بر احضاریه، شکایت (سند شماره ۱)، شکایت اصلاح شده (سند شماره ۱۰)، اطلاعیه برای انتطبق با شکایت اصلاح شده تلقیقی سودان یا شکایت اصلاح شده اشتبون سوдан (سند شماره ۹، ۱۱ ژوئن ۲۰۲۳)، اطلاعیه برای انتطبق با شکایت اصلاح شده تلقیقی سودان یا شکایت اصلاح شده اشتبون سوдан (سند شماره ۱۲، ۷ اوت ۲۰۲۳)، اطلاعیه برای انتطبق با شکایت اصلاح شده تلقیقی (سند شماره ۱۵، ۱۰ اوت ۲۰۲۳)، برگه جلد دادخواست ایالات مدنی و اظهارات پرونده های مرتبط، ابلاغیه اقامه دعوی که توسط شاکی دائز بر خلاصه ماهیت پرونده و مشتمل بر رونوشتی از مجموعه قوانین ایالات متحده آمریکا در خصوص دادخواست علیه دولتهاي خارجي تهيه شده است را به پيوست ایفاد می دارد.

سفارت بدینوسیله اشعار می دارد که بموجب قوانین ایالات متحده آمریکا، هر گونه دقاع مربوط به قلمرو قضائی و اداری و یا دفاع دیگری، از جمله عنوان نمودن مصونیت دولت ها، باید در مقابل دادگاهی صورت گیرد که موضوع در آن مفتوح می باشد. از این رو مشورت با یک مشاور حقوقی در ایالات متحده آمریکا توصیه می گردد. وزارت امور خارجه ایالات متحده آمریکا اماده گفتگو با مشاور در مورد قوانین مربوطه میباشد. دولت ایالات متحده آمریکا از طرفین این پرونده نیواده و نماینده هیچ یک از طرفین نخواهد بود.

سفارت سوئیس، قسمت حافظ منافع خارجی، موقع را مغفتم شمرده مراتب احترامات فائقه خود را نسبت به وزارت امور خارجه جمهوری اسلامی ایران را تجدید می نماید.



تهران - بتاریخ شانزدهم فروردین ماه ۱۴۰۳ (۴ اوریل ۲۰۲۴)

پيوست: ۱- احضاریه، شکایت (سند شماره ۱)، شکایت اصلاح شده (سند شماره ۱۰)، اطلاعیه برای انتطبق با شکایت اصلاح شده تلقیقی سودان یا شکایت اصلاح شده اشتبون سوдан (سند شماره ۹، ۱۱ ژوئن ۲۰۲۳)، اطلاعیه برای انتطبق با شکایت اصلاح شده اشتبون سوдан (سند شماره ۱۲، ۷ اوت ۲۰۲۳)، اطلاعیه برای انتطبق با شکایت اصلاح شده تلقیقی (سند شماره ۱۵، ۱۰ اوت ۲۰۲۳)، برگه جلد دادخواست ایالات مدنی، اظهارات پرونده های مرتبط و ابلاغیه اقامه دعوی

۲- ترجمه ها

اداره امور آمریکا
وزارت امور خارجه
جمهوری اسلامی ایران
تهران